

Application Number 10/810,752
Amendment dated 22 January 2008
Reply to Office Action of 24 July 2007

Amendments to the Drawings

The attached sheet of drawings includes changes to Figures 2 and 3. This sheet, which includes Figures 1–3, replaces the original sheet including Figures 1–3. In Figure 2, F_t has been replaced with F_p . In Figure 3, F_p has been replaced with F_t . These corrections, which were suggested by the Examiner, are evident from the originally-filed written description associated with Figures 2 and 3. No new matter has been added.

Remarks/Arguments

In this reply, no new claims have been added, and dependent Claims 27 and 28 have been cancelled. Therefore, Claims 1–26 and 29 are currently pending in this application. Claims 1, 6, 18, 25 and 26 are independent.

Claim Rejections Under 35 U.S.C. § 103(a) based on Hale, Gordin and Hamilton.

Claims 1–29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,171,674 ("Hale") in view of U.S. Patent 5,398,478 ("Gordin") and U.S. Patent 2,738,039 ("Hamilton"). Claims 1, 6, 18, 25 and 26 are independent. Claims 27 and 28 have been cancelled.

The Examiner relies upon Hale for its teaching of a fairing that can rotate with respect to a faired pipe (see Hale at 9:25–29). Acknowledging that Hale does not disclose that "the support member to which the fairing apparatus is connected is a vertical support member anchored in a foundation and subjected to an aerodynamic drag force", the Examiner relies upon Gordin for this teaching. Gordin discloses a system for rigidly elevating an object or structure in the air with a base anchored in the ground (see Gordin at 5:51–54). The Examiner argues that Hamilton provides a motivation to combine the teachings of Hale and Gordin. Hamilton teaches that upright supports can be enclosed in rotatable fairings so as to offer "minimum" resistance to wind (see Hamilton at 4:2–7).

Claims 1–5. Independent Claim 1 has been amended to recite, among other things,

a vertical support member anchored in a foundation ... and
a hollow elongate fairing sleeve covering an upper portion of the vertical support member, such that a lower portion of the vertical support member is left uncovered by the fairing sleeve....

The cited references do not teach the combination of features recited in amended independent Claim 1. As the Examiner has acknowledged, Hale discloses a rotatable fairing generally, but does not disclose "a vertical support member anchored in a foundation". And while Gordin discloses a system for rigidly elevating an object or

structure in the air with a base anchored in the ground, Gordin does not disclose a fairing sleeve "covering an upper portion of the vertical support member, such that a lower portion of the vertical support member is left uncovered by the fairing sleeve" (emphasis added). The Examiner has taken the position that Hamilton suggests combining the teachings of Hale and Gordin to yield a fairing sleeve that generally covers "at least a portion" of the vertical support member. However, Claim 1 has been amended to more specifically recite "a hollow elongate fairing sleeve covering an upper portion of the vertical support member, such that a lower portion of the vertical support member is left uncovered by the fairing sleeve".

Notably, Hamilton discloses only that "principal shells", a term that is used generally to refer to upright supports (see Hamilton at Figure 9, reference numeral 51), can be enclosed in rotatable fairings so as to offer "minimum" resistance to wind. Applicant respectfully submits that the generalized teachings that Hamilton provides do not suggest combining the teachings of Hale and Gordin so as to yield "a hollow elongate fairing sleeve covering an upper portion of the vertical support member, such that a lower portion of the vertical support member is left uncovered by the fairing sleeve".

Based on the foregoing, Applicant respectfully submits that independent Claim 1 is patentable over the combined teachings of Hale, Gordin and Hamilton, and respectfully requests that the rejection of Claim 1 be withdrawn. Additionally, Applicant submits that dependent Claims 2-5 are allowable for at least the same reasons that corresponding independent Claim 1 is allowable, and respectfully requests that the rejections of these dependent claims be withdrawn as well.

Claims 6-17. Independent Claim 6 has been amended to recite, among other things,

an elongate support member that is oriented vertically, the elongate support member having an upper portion and a lower portion; and
an elongate fairing sleeve having a first axis, the elongate fairing sleeve covering the upper portion of the elongate support member without covering the lower portion of the elongate support member....

The cited references do not teach the combination of features recited in amended independent Claim 6. As the Examiner has acknowledged, Hale discloses a rotatable

fairing generally, but does not disclose "an elongate support member that is oriented vertically". And while Gordin discloses a system for rigidly elevating an object or structure in the air with a base anchored in the ground, Gordin does not disclose a fairing sleeve "covering the upper portion of the elongate support member without covering the lower portion of the elongate support member" (emphasis added). The Examiner has taken the position that Hamilton suggests combining the teachings of Hale and Gordin to yield a fairing sleeve that generally covers "at least a portion" of the elongate support member. However, Claim 6 has been amended to more specifically recite an elongate fairing sleeve "covering the upper portion of the elongate support member without covering the lower portion of the elongate support member".

Notably, Hamilton discloses only that "principal shells", a term that is used generally to refer to upright supports (see Hamilton at Figure 9, reference numeral 51), can be enclosed in rotatable fairings so as to offer "minimum" resistance to wind. Applicant respectfully submits that the generalized teachings that Hamilton provides do not suggest combining the teachings of Hale and Gordin so as to yield an elongate fairing sleeve "covering the upper portion of the elongate support member without covering the lower portion of the elongate support member".

Based on the foregoing, Applicant respectfully submits that independent Claim 6 is patentable over the combined teachings of Hale, Gordin and Hamilton, and respectfully requests that the rejection of Claim 6 be withdrawn. Additionally, Applicant submits that dependent Claims 7-17 are allowable for at least the same reasons that corresponding independent Claim 6 is allowable, and respectfully requests that the rejections of these dependent claims be withdrawn as well.

Claims 18-24. Independent Claim 18 has been amended to recite, among other things,

an elongate support member that is oriented vertically, the elongate support member having an upper portion and a lower portion that is opposite the upper portion; [and]

an elongate fairing sleeve having a longitudinal axis and covering at least a portion of the upper portion of the elongate support member while leaving the lower portion of the elongate support member uncovered....

The cited references do not teach the combination of features recited in amended independent Claim 18. As the Examiner has acknowledged, Hale discloses a rotatable fairing generally, but does not disclose "an elongate support member that is oriented vertically". And while Gordin discloses a system for rigidly elevating an object or structure in the air with a base anchored in the ground, Gordin does not disclose a fairing sleeve "covering at least a portion of the upper portion of the elongate support member while leaving the lower portion of the elongate support member uncovered". The Examiner has taken the position that Hamilton suggests combining the teachings of Hale and Gordin to yield a fairing sleeve that covers "at least a portion" of the elongate support member generally. However, Claim 18 has been amended to more specifically recite an elongate fairing sleeve "covering at least a portion of the upper portion of the elongate support member while leaving the lower portion of the elongate support member uncovered".

Notably, Hamilton discloses only that "principal shells", a term that is used generally to refer to upright supports (see Hamilton at Figure 9, reference numeral 51), can be enclosed in rotatable fairings so as to offer "minimum" resistance to wind. Applicant respectfully submits that the generalized teachings that Hamilton provides do not suggest combining the teachings of Hale and Gordin so as to yield an elongate fairing sleeve "covering at least a portion of the upper portion of the elongate support member while leaving the lower portion of the elongate support member uncovered".

Based on the foregoing, Applicant respectfully submits that independent Claim 18 is patentable over the combined teachings of Hale, Gordin and Hamilton, and respectfully requests that the rejection of Claim 18 be withdrawn. Additionally, Applicant submits that dependent Claims 19–24 are allowable for at least the same reasons that corresponding independent Claim 18 is allowable, and respectfully requests that the rejections of these dependent claims be withdrawn as well.

Claim 25. Independent Claim 25 recites, among other things, first and second elongate support members, as well as first and second elongate fairing sleeves. The second elongate support member is "substantially perpendicular to the first elongate support member". The Examiner has taken the position that Gordin discloses first and

second elongate support members that are attached to each other (see Gordin at Figure 7, reference numerals 72 and 76). Even assuming that the Examiner's characterization of Gordin is accurate, Gordin clearly does not disclose a second elongate support member "that is substantially perpendicular to the first elongate support member". Therefore, Applicant respectfully submits that independent Claim 25 is patentable over the combined teachings of Hale, Gordin and Hamilton, and respectfully submits that the rejection of Claim 25 be withdrawn.

Claims 26–29. Independent Claim 26 has been amended to recite, among other things,

mounting an elongate object in a foundation structure, the elongate object having ... a substantially vertical configuration; and
mounting a rotatable cover ... on an upper portion of the elongate object, wherein the rotatable cover leaves a lower portion of the elongate object uncovered....

The cited references do not teach the combination of features recited in amended independent Claim 26. As the Examiner has acknowledged, Hale discloses a rotatable fairing generally, but does not disclose "an elongate object in a foundation structure, the elongate object having ... a substantially vertical configuration". And while Gordin discloses a system for rigidly elevating an object or structure in the air with a base anchored in the ground, Gordin does not disclose a rotatable cover that "leaves a lower portion of the elongate object uncovered". The Examiner has taken the position that Hamilton suggests combining the teachings of Hale and Gordin to yield a fairing sleeve that covers "at least a portion" of the elongate support member generally. However, Claim 26 has been amended to more specifically recite a rotatable cover that "leaves a lower portion of the elongate object uncovered".

Notably, Hamilton discloses only that "principal shells", a term that is used generally to refer to upright supports (see Hamilton at Figure 9, reference numeral 51), can be enclosed in rotatable fairings so as to offer "minimum" resistance to wind. Applicant respectfully submits that the generalized teachings that Hamilton provides do not suggest combining the teachings of Hale and Gordin so as to yield a rotatable cover that "leaves a lower portion of the elongate object uncovered".

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Based on the foregoing, Applicant respectfully submits that independent Claim 26 is patentable over the combined teachings of Hale, Gordin and Hamilton, and respectfully requests that the rejection of Claim 26 be withdrawn. Additionally, Applicant submits that dependent Claim 29 is allowable for at least the same reasons that corresponding independent Claim 26 is allowable, and respectfully requests that the rejections of dependent Claim 29 be withdrawn as well. Claims 27 and 28 have been cancelled.

Conclusion.

Although the present communication may include amendments and/or characterize the claim scope or referenced art, Applicant is not conceding here that previously pending claims are not patentable over the cited references. Rather, any amendments or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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In view of the foregoing, Applicant submits that this application is in condition for allowance, and respectfully requests the same. If, however, some issue remains that the Examiner feels can be addressed by an Examiner's Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

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